

**Westfield Estates HOA Board Meeting**  
**Wednesday, March 18, 2009**  
**8 p.m.**

In attendance: Larry Henson, Stewart Rodgers, Tony Daly, Brenda Ory, Julie Hillman.

Stewart called the meeting to order.

Stewart told the board it needed to discuss recent issues brought to the board's attention by a concerned homeowner: There may be some people who have built permanent structures (buildings, playground equipment, cement, etc) located on a utility easement. The utility easement runs the back 10' of most lots in phase III, with the exception of lots 308, 309, 316 and 317 who have 5' easements and the sides have 10' easements. Brian from Welch contacted the county and looked up the easements; Tony talked to the Layton City Planning office. After all the information was gathered, Welch recommended a response that homeowners who may be in violation be notified in writing about the possible violation and let them know they will be responsible for any problems that structure/planting may cause if future utility work is needed. Those present on the board did not feel it appropriate to penalize anyone, but homeowners with such structures/planting will have to sign a letter acknowledging responsibility for any problems that structure/planting may pose to future utility work. Additionally, this information will be posted on the community's website for review by other homeowners who could possibly be affected by this.

The second issue discussed was whether or not letters were needed from homeowners who have beige vinyl fences instead of the white specified in the CC&R's. Julie reminded the board that homeowners voted to amend the CC&R that specified white vinyl fencing only. The board reviewed the minutes from the June 12, 2008 and also the ballot form which specifically used the language "amend" and limited the vinyl fencing covenant to include white vinyl fence and colors of beige vinyl fence and noted that the vote passed for amendment by the majority body of residents present. The board then reviewed the version of the amendment that was filed and recorded with Davis County and questioned whether or not the language appropriately reflects what was voted on by the residents in June. The board decided it may not, but would bring the amendment language up again to residents during the next annual meeting and ask them if they feel the amendments needs to be refilled. Stewart also questioned whether or not it was an error or omission from the lawyer who drafted the amendment and said he felt the attorney would be required to fix the error without further fees.

The board discussed the fact that any residents who had vinyl fences other than white would be notified by letter that they need to submit a letter to the board to receive an acknowledgement of their fence color approval so that all is recorded and its never called into question again.

Brenda asked what the board feels they should do about the residents who still haven't paid their dues yet for 2008 and 2009. The board decided it would continue to proceed with due process, following the violation and fine structure outlined in previous correspondence, which includes placing a lien on those residents' homes as a last resort. The same would apply to residents who have received violation notices and have failed to correct the violation and correspond with the board regarding making. The board agreed to follow this course. Tony requested that a status of the violations be provided to the board for Welch for oversight purposes.

Brenda asked if the board was going to vote on several candidates who have shown an interest in replacing the two vacated seats on the board. Brenda nominated Brigetta Tucker and also mentioned that Mike Southerd had expressed an interest in serving. Julie voiced concerns that some residents are still expressing concerns about the board's actions and requested that a wider recruitment effort be made to involve a wider range/more diverse range of residents on the board. Stewart said he felt the term new nominees would serve is too short to really worry about that right now and said he would rather proceed with the current board until the June annual meeting at which time residents can elect whomever they will. Additionally, Stewart asked if a board member would review the CC&R regarding the requirements to establish a nomination committee to handle new board members. Tony volunteered to review the requirements and report back to the board on the recommended course of action. The board concurred.

The board discussed where they would hold that annual meeting in June. It was discussed that the Layton City library might be available and Julie was asked to try to reserve a space there.

Finally, the board discussed the need to find a balance between residents who may want to be "nit picky" about any possible violations of CC&R's, and those who would really like the board to only act on blatant violations. Julie reminded the board that it promised residents who attended the February board meeting that they would not be "nit picky," but would let common sense rule. Stewart and Tony both felt that the board still must address each concern brought to the board, but also find a way to let common sense rule.

The board decided it will probably need one or two more meetings to prepare for the June annual meeting. No date for those was designated at this time.

Stewart moved to adjourn the meeting. Larry seconded the motion and all members agreed.